



OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

March 11, 1999

Mr. Robert A. Schulman
Schulman, Walheim & Heidelberg, Inc.
112 East Pecan, Suite 3000
San Antonio, Texas 78205-1528

OR99-0699

Dear Mr. Schulman:

You ask this office to reconsider its ruling in Open Records Letter No. 99-0445 (1999). Your request was assigned ID# 124215.

The United Independent School District (the "district") received a request for information relating to a sexual harassment investigation. In Open Records Letter No. 99-0445, this office determined, *inter alia*, that the district had not demonstrated that the information at issue was protected by section 552.103 of the Government Code, the "litigation exception." In your request for reconsideration, you provide an EEOC complaint, dated February 2, 1999, which was filed with the district subsequent to your initial request for a decision. You now contend that, under the circumstances, the information at issue should be protected by section 552.103.

It appears that the complaint was filed with the district prior to the date Open Records Letter No. 99-0445 was issued, February 12, 1999. In our opinion, you have not demonstrated that you have timely notified this office of the change in circumstances *vis a vis* the litigation. See Open Records Decision No. 638 (1996) (a governmental body must notify this office as soon as possible of a change in circumstances affecting a pending section 552.103 claim). Therefore, you may not withhold the information at issue under section 552.103. We affirm Open Records Letter No. 99-0445 (1999). If you have questions about this ruling, please contact our office.

Sincerely,

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 124215

Enclosures: Submitted documents

cc: Mr. Sergio "Keko" Martinez
1420 San Bernardo
Laredo, Texas 78040
(w/o enclosures)